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FILED
Clerk
District Court

MAR 17 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for Defendant Todd Keith Johnson

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

8 ALAN STUART MARKOFF, D.D.S. dba)	CIVIL ACTION NO. CV-05-0035
9 TOOTHWORKS and OPEN CHOICE,)	
)	
10 Plaintiff,)	MOTION TO STAY
11 vs.)	
)	Date : Munson, Chief Judge
12 TODD KEITH JOHNSON, D.D.S.,)	Time : 9:00am
)	Judge : APR 13 2006
13 Defendant.)	

14 COMES NOW Defendant Todd K. Johnson, by and through counsel, moves this Court
15 to stay proceedings in this matter, pending the outcome of *Todd K. Johnson v. Alan S. Markoff*
16 *et al.*, Case No. 2005-56947, currently pending in the District Court of Harris County, Texas
17 ("the Texas County Action"), pursuant to the doctrine articulated by the United States
18 Supreme Court in *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800
19 (1976). The two proceedings are essentially identical, most of the relevant witnesses are on
20 the Mainland, The Texas County Action was filed first and the contract that is at issue here
21 provides that Texas law shall apply.

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23
24 Therefore, this matter should be stayed until the Texas County Action is completed.
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ORIGINAL

1 Dated: March 17, 2006.

Respectfully submitted,

2 O'CONNOR BERMAN DOTTS & BANES
3 Attorneys for Defendant Todd K. Johnson

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5 By:  _____

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